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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,708	06/22/2000	Yuko Iida	P/2041-49	7950

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,708

Applicant(s)

IIDA, YUKO

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/23/04 has been entered.

Drawings

2. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3 and 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. With respect to amended claim 3, which now recites, "an elastic member in direct contact with and supporting said printed board inboard of, and without contacting, a perimeter of said device body within said device body", it is unclear to the examiner what applicant regards as his invention. Is it the elastic member that does not contact the device body or is it the printed board that does not contact the device body? How can the device body be within the device body? Are there two device bodies? With respect to claim 9 and 11, how can the elastic member and/or cushion not contact a perimeter of one of the first or second casings and/or housing, yet support the printed board between one of the first or second casings and/or housing? Is the printed board suspended between the casings and/or housing? If so how can the elastic member "support" the printed board? Applicant is reminded no new matter should be entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. (4823952). With respect to claims 3, 9, and 11-14, as best understood, Fletcher et al. teaches a device (66, 110) comprising a device body (30) including a first (32, 102) and second (34, 102) casing housing a printed circuit board (42, 48, 50, 52, 54) with electronic part provided thereon; and an elastic member (56,

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58, 60) positioned between the printed circuit board (42, 48, 50, 52, 54) and the first (32, 102) and second (34, 102) casings without contacting a perimeter thereof as claimed (see for example column 3 line 37 through column 5 line 52). However, is silent on the type of device. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the device of Fletcher et al. to be a portable information radio terminal device, in that Fletcher et al. discloses a device (hand held unit 66) with a transparent area for a display, a joy stick, and a keyboard; and a device (unit 110) with a front panel (112) carrying a keyboard, a key switch, and two displays, all of which are well known elements in a portable information radio terminal device (see for example figures 11 and 12). With respect to claim 10, Fletcher et al. teaches the method steps of claim 9 (see above), however Fletcher et al. lacks a teaching of the method step of pressurizing the elastic member (56, 58, 60) upon assembling the first (32, 102) and second (34, 102) casings as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the elastic member (56, 58, 60) of Fletcher et al. to be pressurized upon assembling the first (32, 102) and second (34, 102) casings in that Fletcher et al. teaches the casings being secured one to another by screws, which would apply pressure upon the elastic member (56, 58, 60) upon assembly (see for example figure 2).

Response to Arguments

7. Applicant's arguments filed 07/13/04 have been fully considered but they are not persuasive. It is noted that the examiner of record is using *The American Heritage College Dictionary 4th ed.* to define "perimeter" as the outer limits of an area. With this

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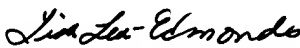
and applicants figure 1a, it is clear that applicants elastic body (5) contacts a perimeter of the casing and/or housing. However, the elastic member (56, 58, 60) of Fletcher et al. do not fit between, as in through on in the position, the bosses (88) as argued, instead the elastic member (56, 58, 60) fit on shelf (80) of which the bosses (88) are a part and are intermediate of the bosses (88) (see for example figures 6-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
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